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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,177	02/23/2004	David Bogart Dort	VRBIA.P7B	3793
42047	7590	02/07/2006	EXAMINER	
Tortured Path-EMI Solutions LLC 1700 Diagonal Road, 300 Attn: David Bogart Dort Alexandria, VA 22314			TRAN, DALENA	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060202

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Office Action Summary	Application No. 10/786,177	Applicant(s) DORT, DAVID BOGART	
	Examiner Dalena Tran	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-18 is/are allowed.
- 6) ☒ Claim(s) 12 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 1/5/06. As per request, claims 12, 19, and 23 have been amended. Thus, claims 12-23 are pending.

All the foreign patent documents, and non-patent literature (sheets 2-3 of PTO 1449) of the prior art submitted on 2/23/04 still have not been considered because the documents still have not been received yet. Submission is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 recites "non-negative acceleration **limitation**" in line 2. However, line 6 refers to "said non-negative acceleration ". There is insufficient antecedent basis for this limitation in line 6 of the claim. Clarification is required.

Claim 19 recites " acceleration limiting" in line 2. However, line 3 refers to "said **plurality of non-negative** acceleration limiting". There is insufficient antecedent basis for this limitation in line 3 of the claim. Claims 20-22 depended on claim 19, therefore, rejected for the same reason as claim 19.

Claim 23 recites " the non-negative acceleration " in lines 11-12. There is insufficient antecedent basis for this limitation of the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 23, is rejected under 35 U.S.C. 103(a) as being unpatentable over Rolf Edmund Spencer (3593262).

As per claim 23, Rolf Edmund Spencer discloses a method for controlling the flow of traffic in a highway merge area including the acts of: placing an acceleration limiting reception device in each of a plurality of vehicles, activating at least one of said plurality acceleration limiting reception devices in a merge congestion zone, wherein merge congestion zone includes at least a stretch of an on-ramp and a portion of a travel lane prior to its connection to merge, transmitting instructions to at least one of plurality of acceleration limiting reception devices in at least one vehicle in travel lane and one merging vehicle located in stretch of on-ramp, located in merge congestion zone (see the abstract; and columns 1-2, lines 36-4), transmitting instructions to at least one of plurality of acceleration limiting reception devices in at least one vehicle and one merging vehicle located in merge congestion zone, and transmitted instruction cause the non-negative acceleration of a vehicle to be limited (see columns 2-4, lines 43-6). Rolf Edmund Spencer do not explicitly disclose the acceleration of merging vehicle to be limited to less than that of vehicle in travel lane. However, Rolf Edmund Spencer discloses to avoid to brake sharply, suddenly slow in the merge (see at least column 3, lines 38-45), the system transmit a series of amber lights need not reduce speed, so the driver in main lane has the option of either maintaining of increasing the speed to pass the merging traffic (see at least column 3, lines 54-61). It would have been obvious to one of ordinary skill in the art that, when the driver in the main lane increasing the speed to pass the merging traffic,

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the speed of the merging vehicle will be limited to less than that of vehicle in the main lane (or the travel lane). Therefore, Rolf Edmund Spencer implicitly discloses the acceleration of merging vehicle to be limited to less than that of vehicle in travel lane. It would have been obvious to one of ordinary skill in the art to modify the teach of Rolf Edmund Spencer by combining the acceleration of merging vehicle to be limited to less than that of vehicle in travel lane to avoid suddenly slow in the merge, to provide safely merging traffic, and also provide merging junction in the traffic flow fluently, this would have been obvious to one of ordinary skill in the art that also to help to reduce traffic congestion.

5. Claims 13-18 are allowable.

Remarks

6. Applicant's argument filed on 1/5/06 has been fully considered. Upon updated search, the new ground of rejection has been set forth as above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968. The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner

Dalena Tran

A handwritten signature in black ink, appearing to read "Dalena Tran", written over the printed name.

February 2, 2006